

14 November 2007

MEMORANDUM FOR DE/Colonel Roger A. Wilson, Jr.

*Approved*  
*[Signature]* 11/16/07

SUBJECT: P.L. 84-99 Levee Repairs Emergency Provisions for Compliance with NEPA.

1. This memorandum is to request your approval to complete current P.L. 84-99 Levee Repairs using the emergency provision of Engineering Regulation (ER) 200-2-2 Procedures for Implementing the National Environmental Policy Act (NEPA). The emergency provision of ER 200-2-2 allows NEPA documentation to be accomplished after completion of emergency work. Preliminary coordination with the U.S. Fish and Wildlife Service indicates no significant issues in completing environmental documentation during or following repairs. The provision will allow us to move forward with construction of the levee repairs while we complete our NEPA compliance. This ER specifically states that emergency actions include flood control and coastal emergency activities pursuant to P.L. 84-99. This ER also states that emergency actions include responding to situations to prevent or reduce imminent risk of life, health, property, or severe economic losses.

2. We are considering these levee repairs to be emergency actions because of the following:

- a. The relatively large number of levees to repair prior to next spring's Missouri River flood season.
- b. The risk of economic loss from additional fall or spring flooding of Missouri River agricultural fields.
- c. The risk of additional fall or spring flooding causing the closure and possible damage to the U.S. Highway 65 Missouri River crossing.
- d. The risk of additional flooding next spring resulting from the Corps conducting a Missouri River spring rise as required by the 2000 Missouri River Biological Opinion as amended in 2003.

3. The construction guidelines that we use on these levee repairs have been developed in coordination with the U.S. Fish and Wildlife Service after large flood events in 1993 and 1995. Because of this, in accordance with ER 200-2-2, we do not consider these actions to be major in scope or to potentially have significant environmental impacts and therefore these emergency actions do not need to be referred through NWD to HQUSACE.

CENWK-PM-P

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4. Recommend approval of the emergency provision of ER 200-2-2 for completing the environmental documentation in support of levee repairs.
5. Point of contact is Mr. Glenn Covington, PM-PR, 816-389-3141

DAVID L COMBS  
Chief, Planning Division

☒ Concur

☐ Nonconcur